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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,410	02/03/2005	Shojiro Tanaka	50083-223	6300
20277 7590 07/31/2007 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER CHAI, LONGBIT	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/523,410

Applicant(s)

TANAKA, SHOJIRO

Examiner

Longbit Chai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/3/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Applicant's claim for benefit of foreign priority under 35 U.S.C. 119 (a) – (d) is acknowledged.

The application is filed on 2/3/2005 but is a 371 of PCT/JP04/01446 application filed 2/12/2004 and has a foreign priority application filed on 2/12/2003.

### *Preliminary Amendment*

2. Examiner acknowledges Preliminary Amendment for the claims filed 2/3/2005. Applicants have cancelled claims 1 – 8 and added new claims 9 – 16. The submitted amendments have been entered and made of record.

Presently, pending claims are 9 – 16.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13 – 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13 and 15 are indefinite because the claim language “the first area for embedding additional information without altering the icon image” is considered to be

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unclear about what is the exact level of sufficiency to constitute the level of recognition without altering the icon image because, Examiner notes, according to the specification, "the term of without altering the icon image means to prevent the icon from undergoing a substantial change in appearance after the additional information is embedded and a continuous gradation of color is not considerably damaged; however, it is only necessary to keep the icon image look substantially same in appearance (SPEC: Page 26 Line 6 – 16)". Any other claims not addressed are rejected by virtue of their dependency.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Mendori et al. (International Conference on Computer Education – ICCE' 2002).

As per claim 9 and 11, Mendori teaches a session initiating method (Mendori: Abstract / Line 3 – 4 and Sect. 1, 2<sup>nd</sup> Para: user remote log-on to a network for starting up authentications is considered as a user log-in session) that is applied to a computer

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system equipped with a graphical user interface (Mendori: Figure 1), the session initiating method comprising:

specifying an icon image corresponding to a user (Mendori: Abstract / Line 10 – 15: an icon image is used for elementary school student for start-up authentication because the password is not easy for them to remember);

determining whether start information necessary for initiating a session that is predetermined is embedded in the icon image (Mendori: Page 2, Sec. 2.2, Last sentence);

extracting the start information from the icon image based on an algorithm that is unique to the user when it is determined that the start information is embedded in the icon image at the determining (Mendori: Page 1 Sec 2.2., 1<sup>st</sup> Para and Sect. 1, 2<sup>nd</sup> Para : each icon image represents each individual user's account and password and each icon image has 32 pixels square and each interval was half size the size of an icon image, which is considered as part of the unique algorithm with respect to each different user);

setting-up the session (Mendori: Abstract / Line 3 – 4 and Sect. 1, 2<sup>nd</sup> Para: a user remote log-on to the network for starting up authentications);

inputting the start information extracted at the extracting during the session set up at the setting-up (Mendori: Abstract / Line 10 – 15, Page 1 Sec 2.2., 1<sup>st</sup> Para and Sect. 1, 3<sup>rd</sup> Para: the start information (i.e. user account and password) is extracted with respect to the selected icon image);

verifying whether the start information input at the inputting satisfies a condition for initiating the session (Mendori: Page 2, Sec. 2.2, Last 2<sup>nd</sup> sentence); and

controlling the session based on a result of the verifying, wherein,

when it is verified that the start information satisfies the condition, the controlling includes initiating the session (Mendori: Sect. 1, 2<sup>nd</sup> Para and Page 2, Sec. 2.2, Last 2<sup>nd</sup> sentence: user remote log-on to a network to initiate a user log-in session after the start-up authentication), and

when it is not verified that the start information satisfies the condition, the controlling includes aborting the session (Mendori: Sect. 1, 2<sup>nd</sup> Para and Page 2, Sec. 2.2, Last 2<sup>nd</sup> sentence).

As per claim 10 and 12, Mendori teaches the start information includes an identification and a password of the user (Mendori: Sect. 1, 2<sup>nd</sup> Para).

As per claim 13 and 15, Mendori teaches an icon-image creating apparatus that creates an icon image to initiate a session (Mendori: Sect. 1, 2<sup>nd</sup> Para and Page 2, Sec. 2.2, Last 2<sup>nd</sup> sentence: user remote log-on to a network to initiate a user log-in session after the start-up authentication), the icon-image creating apparatus comprising:

an image-information inputting unit that inputs icon image information corresponding to a user (Mendori: Abstract / Line 10 – 15: an icon image is used for elementary school student for start-up authentication because the password is not easy for them to remember);

a user-information inputting unit that inputs user information of the user (Mendori: Sect. 1, 3<sup>rd</sup> Para and Abstract / Line 10 – 15 & Figure 1 and Section 2: GUI password input interface using user icon image);

an area detecting unit that detects a first area based on a structure of the icon image information, the first area for embedding additional information without altering the icon image (Mendori: Page 2, Sec. 2.2, Last 2<sup>nd</sup> sentence: the area of the icon representing the registered user login name is interpreted as the first area of the icon image);

an area determining unit that determines a second area, based on an algorithm that is unique to the user, from among the first areas detected, the second area for embedding the user information (Mendori: Sect. 1, 2<sup>nd</sup> Para and Page 1 Sec 2.2., 1<sup>st</sup> Para: each icon image represents each individual user's account and password and each icon image has 32 pixels square and each interval was half size the size of an icon image, which is considered as part of the unique algorithm with respect to each different user – the second area of icon image is interpreted as the password area);

an information embedding unit that embeds the user information in the second area determined (Mendori: Page 1 Sec 2.2., 1<sup>st</sup> Para and Page 2, Sec. 2.2, Last 2<sup>nd</sup> sentence); and

an icon-image outputting unit that outputs the icon image with the user information embedded (Mendori: Page 2, Sec. 2.2, Last 2<sup>nd</sup> sentence, Sect. 1, 2<sup>nd</sup> Para and Page 1 Sec 2.2., 1<sup>st</sup> Para and Abstract / Line 3 – 4).

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As per claim 14 and 16, Mendori teaches the user information includes an identification and a password of the user necessary for initiating the session (Mendori: Sect. 1, 2<sup>nd</sup> Para and Page 2, Sec. 2.2, Last 2<sup>nd</sup> sentence: user remote log-on to a network to initiate a user log-in session after the start-up authentication).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Longbit Chai, Ph.D.  
Patent Examiner  
Art Unit 2131  
6/18/2007